

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JOHN KEMET SHABAZZ EL,

Pro Se Plaintiff,

v.

// CIVIL ACTION NO. 1:10CV38  
(Judge Keeley)

EDWIN DELGADO,  
Taylor County Deputy Sheriff,

LEONARD LUCAS,  
a/k/a Lenard Lewis  
Taylor County Magistrate,

UNKNOWN FEMALE RECORD CLERK,  
Tygart Valley Regional Jail,

UNKNOWN FEMALE NURSE,  
Tygart Valley Regional Jail, and

SUPERINTENDENT,  
C.E.O. of Tygart Valley Regional Jail,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS (DKT. 55)  
AND DISMISSING CASE FOR FAILURE TO PROSECUTE

On August 4, 2011, United States Magistrate Judge John S. Kaull issued a report and recommendation ("R&R"), concluding that the Court should dismiss this case for failure to prosecute. The R&R directed the pro se plaintiff, John Kemet Shabazz El ("El"), to file any objections to its recommendation within fourteen days of receiving service.

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ORDER ADOPTING REPORT AND RECOMMENDATIONS

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El received service of the objections on August 6, 2011, and has filed no objections. The Court concludes, as did the magistrate judge in the R&R, that El has abandoned this suit. Accordingly, the Court **ADOPTS** the R&R (dkt. 55) in its entirety, and **DISMISSES** this action **WITHOUT PREJUDICE** for failure to prosecute. Because El is proceeding pro se, the Court notes that any party wishing to appeal this dismissal must file a notice of appeal with the Clerk of this Court within thirty days of the entry of judgment in this matter.

It is so **ORDERED**.

The Court directs the Clerk to prepare a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se plaintiff via certified mail, return receipt requested.

DATED: August 24, 2011.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE